

## CEPS COMMENTARY

*Thinking ahead for Europe*

# What priorities for the new European agenda on migration?

**Sergio Carrera, Daniel Gros  
and Elspeth Guild**

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**T**he deaths of people trying to reach Europe's shores in the Mediterranean should send an urgent reminder to EU policy-makers that **the EU needs to set its policy priorities right** when dealing with the challenges posed by transnational migration. In response to [a recent tragedy](#), in which some 900 people drowned trying to cross the Mediterranean by boat, European Council President Donald Tusk called for an [extraordinary EU summit](#) to be held on April 23<sup>rd</sup> to discuss the priorities to guide [future EU actions](#).

This discussion arrives at a timely moment. The European Commission is in the process of adopting a new and long-awaited '[European Agenda on Migration](#)', which will outline common priorities for the years to come in this domain and is expected to emerge before the summer. The European Parliament is also working on its own contributions to this Agenda. The EU institutions are therefore dedicated collectively to move EU migration policies towards a new phase in European integration. Yet, key open questions remain regarding priorities and **which direction to take**.

This Commentary argues that any short, medium and long-term EU migration policy priorities should start by **unequivocally setting out their founding and operational principles, and devising actions for their effective implementation while meeting the realities and alleviating the hardship on the ground**.

Which principles should guide the next generation of Europe's migration agenda? In his address to the European Parliament in November 2014, [Pope Francis](#) sent a strong message about the value of human dignity, solidarity and human rights in European integration, which in his view should also guide the EU's responses to migration. The Lisbon Treaty, which states that the Union's internal and external policies should be founded on **respect for human dignity, freedom, democracy, equality, the rule of law and human rights**. These are accompanied by the equally central principles of **solidarity and fair sharing of responsibility between EU member states**, which according to [the 1999 Tampere Programme](#) and Article 80 of the Treaties are meant to guide common European policies on borders, asylum and migration.

In reality, there is **a profound gap between these principles and what actually occurs on the ground**. There is little 'burden-sharing' of responsibilities between EU member states, and

Sergio Carrera is Senior Research Fellow and Head of the Justice and Home Affairs unit at CEPS.  
Daniel Gros is Director of CEPS and Elspeth Guild is Senior Research Fellow at CEPS.

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applying the rule of law in dealing with asylum cases is *de facto* extremely challenging for a majority of them. Burden-sharing is limited in almost every respect, but particularly in terms of rescue operations at sea. The 2014 [Italian-led operation Mare Nostrum](#) was mainly financed from national coffers. It was considered too expensive, but the overall cost was estimated at €8-9 million per month or about €100 million (not billion) per annum. This is less than 1/1000<sup>th</sup> of the EU budget and less than 1/10,000<sup>th</sup> of Italian GDP. **The sums involved were thus clearly negligible**, but given that they are not shared, they have played an outsized role in the political discussions.

The European Union has put in place a highly complex matrix of laws and policies on visa, borders, asylum and immigration, resulting in a **fragmented, dispersed and sometimes underutilised** common framework. [International organisations](#), [civil society actors](#) and [scholars](#) have emphasised that little attention has been devoted **to opening up legal channels** for economic immigration as well proper and effective ways for asylum-seekers to obtain international protection. Rigid and discretionary [visa policies](#) constitute another obstacle for legal entry and access by refugees to the Union.

The EU should focus on two sets of thematic priorities:

**First, to develop rule of law-driven actions** towards more **effective sharing and uptake of responsibility** by member states in rescuing people at sea and providing access to asylum.

Sector-specific recommendations:

An EU-level Search and Rescue (SAR) Operation in the Mediterranean should be considered. A key obstacle in similar initiatives in the past, such as the [Italian-led operation Mare Nostrum](#), has been that the authorities involved were military or defence actors, who fell outside EU Schengen competence and [legal regime](#) which is mainly of a civilian nature. A new Unit could be established within the Frontex Agency to deal specifically with situations involving SAR and to coordinate any new SAR Operation in the Mediterranean. The unit, possibly called **FRONTEX SAR Joint Support Team**, would be able to rely on active contributions and units/vessels from EU member states under its coordination to launch common joint operations. .

Priority should also be given to closer monitoring of the practical compliance by current Frontex operations in the Mediterranean with [EU Regulation 656/2014](#) establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. This is particularly important in the case of the current [Frontex Joint Operation Triton](#), which has been extended until the end of 2015 to continue supporting Italy at its maritime borders and help save the lives of migrants stranded at sea. The scope of the Regulation should be expanded to also cover EU Member States' sea-border surveillance activities.

**Second, to devise legal and flexible mechanisms ensuring access to Europe for would-be immigrants.**

Sector-specific recommendations:

The EU should elaborate an [Immigration Code](#) that would consolidate all existing EU rules and standards covering access to Europe and the rights of immigrants. Priority should be given to developing **flexible channels** facilitating mobility, visa acquisition and the admission of new immigrants for employment-related and family purposes, in ways that will transform the EU into an attractive destination for employment, education and investment.

The malfunctioning of the [EU Dublin asylum system](#) has been the subject of concerns. The EU should give priority to correcting the institutional design of the Common European Asylum System (CEAS), which should be based on the front-loading of the system and **building and strengthening member states' capacities to provide efficient and effective first-line reception**. There is a practical need to ensure that asylum-seekers whose applications are being reviewed have **direct access to member states' labour markets**.

Current divergences between EU member states in the processing of asylum applications should be eliminated and standard common procedures should be fully observed throughout the Union. The competences and mandate of the current EU agency [EASO \(European Asylum Support Office\)](#) should be significantly revisited and expanded. This agency should become a proper **Common European Asylum Service**, responsible for processing asylum applications and determining responsibilities across the EU, and with competence for overseeing a uniform application of EU asylum law. The Service could be modelled along the lines of the European Central Bank or, to be more precise, the European System of Central Banks (the Eurosystem). The Service would be financed either directly by the EU budget or via contributions from member states, which would be proportional to their GDP.